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4		E-FILED on <u>10/25/06</u>	
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8	IN THE UNITED STATES DISTRICT COURT		
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
10	SAN JOSE DIVISION		
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12	YOLANDA SOLLOWAY,	No. C-06-04814 RMW	
13	Plaintiff,	ORDER GRANTING MOTION TO REMAND	
14	v.	[Re Docket No. 10]	
15	ALLIED INTERSTATE, INC.,	[222 2 3322 2 33]	
16	Defendant.		
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Defendant's removal to this court was based on plaintiff's prayer for the "maximum statutory damages" recoverable under California Civil Code § 1788. Compl. at 6. Both parties agree the maximum damages recoverable under the statute do not meet the five-million dollar minimum amount in controversy required to give this court jurisdiction based on diversity of citizenship. *See* 28 U.S.C. § 1332(d)(2). The court therefore remands the case to the Santa Clara County Superior Court.

The court finds defendant lacked an objectively reasonable basis for seeking removal.

Plaintiff is therefore entitled to reasonable costs and attorney fees pursuant to 28 U.S.C. § 1447(c).

Plaintiff may submit a declaration of fees and costs no later than Friday, October 27, 2006.

Defendant may submit any response no later than Friday, November 3, 2006.

ORDER GRANTING MOTION TO REMAND—No. C-06-04814 RMW CAR

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United States District Court
For the Northern District of California

The clerk of this court shall, pursuant to 28 U.S.C. § 1447(c), mail a certified copy of this
order to the clerk of the Superior Court for the County of Santa Clara.

DATED: 10/25/06

| Monala M Whyte | RONALD M. WHYTE | United States District Judge

1	Notice of this document has been electronically sent to:				
2	Counsel for Plaintiff:				
3	Ronald Wil	cox	ronaldwilcox@post.harvard.edu		
4	Counsel for Defendant:				
5	Forrest Arth	Forrest Arthur Hainline fhainline@goodwinprocter.com			
6					
7	Counsel are responsible for distributing copies of this document to co-counsel that have not registered for e-filing under the court's CM/ECF program.				
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9					
10	Dated:	10/25/06	/s/ JH Chambers of Judge Whyte		
11			Chambers of Judge whyte		
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ORDER GRANTING MOTION TO REMAND—No. C-06-04814 RMW

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